



BOPAI ^{TFW}
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1617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:

PETER T. PUGLIESE

Serial No.: 09/989,019

Filed: November 21, 2001

Title: THE USE OF COMBINED
FLAVONES AND ISOFLAVONES TO
TREAT CELLULITE.

Art Unit No.: 1617

Primary Examiner: T.J. Criares

Before Board of Patent Appeals and
Interferences

Board Docket No.:

Patent & Trademark Office
Board of Patent Appeals and Interferences
Alexandria, VA 22313-1450

STATUS INQUIRY TO PTO BOARD OF PATENT APPEALS
AND INTERFERENCES

Sirs:

Both of the Appellant's briefs, and the PTO Answer thereto, are of record in this matter for some many months. A BOPAI Order of October 6, 2003, directed the Primary Examiner of Group Art Unit 1617 to provide a supplemental document (a translation), which Order is enclosed for the convenience of this submission (Enclosure A).

Appellant later responded to the Board Directive to the Examiner with an inquiry letter, there received on February 17, 2004 (Enclosure B), for which a postal card return receipt from OIPE is at hand. No further response by the Primary Examiner or by the Board Administrator, C.R. Feinberg, has been received to date by the undersigned attorney of record, A.R. Eglington, Reg. No. 19,868.

Appellant again requests a copy of any Primary Examiner reply paper sent to the BOPAI per Order October 6 last, so it may determine if the translated Lotte citation calls for follow-up comment by the Appellant. A phone or written response to this inquiry is courteously solicited.

Dated: June 30, 2004

Enclosures: 2

Respectfully submitted,

Arthur R. Eglington, Esq.
113 Cross Creek Dr., R.D. 5
Pottsville, PA 17901
(570) 385-5021
Registration No.: 19,6868

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.



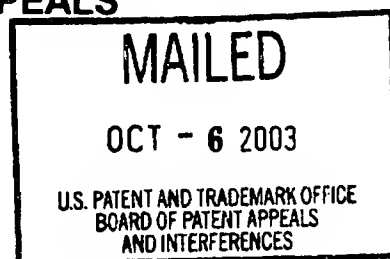
Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte PETER T. PUGLIESE

Application No. 09/989,019



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 24, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate a complete copy of a translation for the Lotte reference (JP7-61927) relied on by the examiner in the Examiner's Answer (Paper No. 11, mailed April 23, 2003).

xc B BCPAT w. Inquiry ltr of 2/2004
ENCLOSURE w. " " of 6/2004

Application No. 09/989,019

Accordingly, it is

ORDERED that the application is returned to the Examiner to place a complete copy of the missing translation for the Lotte reference in the administrative file, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

**BOARD OF PATENT APPEALS
AND INTERFERENCES**



Craig R. Feinberg
Program and Resource Administrator
(703) 308-9797

ENCL A De Request de REOAI of 30 JUNE 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:

PETER T. PUGLIESE

Serial No.: 09/989,019

Filed: November 21, 2001

Title: THE USE OF COMBINED
FLAVONES AND ISOFLAVONES TO
TREAT CELLULITE.

Art Unit No.: 1617

Primary Examiner: T.J. Criares

Before Board of Patent Appeals and
Interferences

Board Docket No.:

Patent & Trademark Office
Board of Patent Appeals
Alexandria, VA 22313-1450

**APPELLANT INQUIRY ON BOARD ORDER RETURNING UNDOCKETED
APPEAL TO PTO PRIMARY EXAMINER T.J. CRIARES**

Sirs:

The above-identified application is a subject of an undocketed appeal in which all of the briefs and PTO Answer are already of record. The Honorable Board, on October 6, 2002, returned this cause to the Primary Examiner for the Office to supply to the Board, a complete translation of the earlier relied upon Lotte reference (JPL-61927) set forth in the Examiner's Answer. With a lapse of four plus months, this step has presumably been taken by the Primary Examiner.

In either event, if the Examiner has complied. He has failed to copy the Appellant with a copy of the translation required by the Board. Fundamental fairness calls for the Examiner to do so. The Board is requested to direct the Primary Examiner to supply a photocopy of his submission to the Appellant, and any supplemental Answer.

In the event the Examiner has yet to do so, Appellant asks that the Honorable Board direct prompt compliance with the Board mandate, and to copy the appealing party on any such submission to the board submission.

Dated: February 3, 2004

Enclosures: 2

Respectfully submitted,

151

Arthur R. Eglington, Esq.
113 Cross Creek Dr., R.D. 5
Pottsville, PA 17901
(570) 385-5021
Registration No.: 19,6868



CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as First Class Certified Mail in an envelope addressed to: Patent & Trademark Office, Board of Patent Appeals, Alexandria, VA 22313-1450, on February __, 2004.

Date: February, 2004

Arthur R. Eglington, Esq.